



22 04 11:06a

Ramon Aguirre

763-553-9051

p. 2

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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36947 7590 11/16/2004  
**BIOLOGICAL PATENT SERVICES, LLC**  
14015 42ND AVE N.  
PLYMOUTH, MN 55446-3827  
11/22/2004 HDEMESS2 00000025 10774991

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

*Penny J. Aguirre* (Depositor's name)  
*Penny J. Aguirre* (Signature)  
*11-22-2004* (Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/774,991      | 02/09/2004  | Michael D. Yanny     |                     | 9465             |

TITLE OF INVENTION: THUJA PLANT NAMED 'BAIL JOHN'

| APPLN. TYPE                  | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE   |
|------------------------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional               | YES          | \$330     | \$300           | \$630            | 02/16/2005 |
| EXAMINER                     |              | ART UNIT  | CLASS-SUBCLASS  |                  |            |
| KRAWCZEWICZ MYERS, LOUANNE C |              | 1661      | PLT-213000      |                  |            |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
 Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

*Penny J. Aguirre*

2 \_\_\_\_\_

3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

## (A) NAME OF ASSIGNEE

*1. Johnson's Nursery, Inc.*  
*2. Bailey Nurseries, Inc.*

## (B) RESIDENCE: (CITY and STATE OR COUNTRY)

*Menomonie Falls, Wisconsin.*  
*Newport, Minnesota*

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

## 4a. The following fee(s) are enclosed:

## 4b. Payment of Fee(s):

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

A check in the amount of the fee(s) is enclosed.

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The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*Penny J. Aguirre*

Date

*11-22-2004*

Typed or printed name

*Penny J. Aguirre*

Registration No.

*52,546*

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Fax No. 703-746-4000

Number of pages including this page: 3

Applicant Michael D. Yanny  
Serial No. 10/774,991  
Filing Date 02/09/2004  
Title Thuja Plant Named 'Bail John'

**MAIL STOP ISSUE FEE**

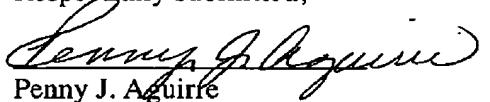
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Sir/Madam:

Attached to this facsimile communication cover sheet is a Fee Transmittal and a Credit Card Payment Form, PTO-2038.

Respectfully submitted,

  
Penny J. Aguirre  
Reg. No. 42,600, Customer No. 3694711/22/2004  
Date

Biological Patent Services, LLC  
14015 42<sup>nd</sup> Ave. N.  
Plymouth, MN 55446  
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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. 703-746-4000, on 11/22/2004.

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Penny J. Aguirre